

REMARKS

Claims 1, 3, 4 and 6-22 are pending. No new matter has been added by way of the present submission. For instance, the present specification has been amended to correct some minor and inadvertent typographical errors. Claim 1 has been amended to include subject matter from original claim 2. Claim 3 has been placed into independent format. Claim 4 has been placed into independent format and amended to include subject matter taken from originally filed claim 5. Certain claim dependencies have been altered and a minor typographical error in claim 22 was corrected. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. §102(b)

The Examiner has rejected claims 1-22 under 35 U.S.C. §102(b) as being anticipated by Maemoto (EP 1 132 200 A2), hereinafter referred to as EP '200. Applicants respectfully traverse.

Distinctions Between the Present Invention and Maemoto '200

Maemoto '200 provides a generic disclosure relating to a lithographic printing plate precursor. In one embodiment, the lithographic printing plate contains a hydrophilic support with a heat-sensitive layer. The heat-sensitive layer may contain microcapsules containing a compound having a functional group capable of reacting by

heat. The heat-sensitive layer also contains a light-to-heat converting material. Further, a hydrophilic resin or low molecular weight compound may be contained within the heat-sensitive layer.

Maemoto '200 fails to suggest or disclose the specific combination of reactive groups required by the present claims. Based upon the specific combinations of reactive groups, the present invention achieves more efficient reactivity. As a result, it becomes possible to maintain excellent on-press developability (resistance to scumming) and to achieve a longer press life. While Maemoto '200 may generically disclose a large number of representative compounds for either the compound within the microcapsule or the hydrophilic resin or low molecular weight compound, Maemoto '200 provides absolutely no guidance which would motivate one of ordinary skill in the art to select the specific combinations of reactive groups required by the present claims.

For a rejection to constitute "anticipation", all material elements of a claim must be found in the cited art reference. In re Marshall, 577 F.2d 301, 198 U.S.P.Q. 344 (CCPA 1978). However, Applicants remind the Examiner that there can be no anticipation where one skilled in the art would have to choose judiciously from a genus of possible combinations, In re Sivaramakrishnan, 213 USPQ 441, 673 F.2d 1382 (CCPA 1982), or where the reference does not highlight the claimed mixture, among the many dozens

disclosed, or suggest the claimed ratio, In re Kollman et al., 201 USPQ 193, 595 F.2d 48 (CCPA 1979).

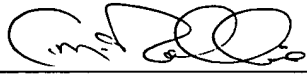
In summary, Applicants respectfully submit that there is not anticipation based upon Maemoto '200. The Examiner is therefore respectfully requested to withdraw the outstanding rejection and allow the currently pending claims.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Reg. No. 42,874, at the offices of Birch, Stewart, Kolasch & Birch, LLP at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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